



## City of Rochester

Department of Law  
City Hall Room 400A, 30 Church Street  
Rochester, New York 14614-1295  
www.cityofrochester.gov

John Campolieto  
Municipal Attorney

January 4, 2024



Hon. Frank P. Geraci, Jr.  
District Court Judge  
Western District of New York  
100 State Street  
Rochester, New York 14614

**Re: *Simmons v. Ferrigno, II, et al., et al.***  
**17-CV-6176**

Dear Judge Geraci:

This matter has been scheduled for trial on April 8, 2024. I write to bring to the attention of the Court that April 8, 2024 is the date of a total solar eclipse during which the City of Rochester will be in the path of totality.

Due to Rochester being in the path of the totality, it is expected that there will be many visitors who come to Rochester to experience the event. Special events are being planned downtown, hotels are expected to be heavily occupied and the City of Rochester is promoting the City as a national viewing place. I write only to suggest that it may be of convenience to the Court, the attorneys and, most importantly, the jurors, to begin the trial on the following day, Tuesday April 9, 2024.

Respectfully submitted,

John M. Campolieto  
Municipal Attorney

JMC/mb

xc: Charles F. Burkwit, Esq.  
Paul A. Sanders, Esq.

SO ORDERED THIS 11 DAY OF Jan 2024

HON. FRANK P. GERACI, JR.  
Chief U.S. District Judge



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January 8, 2024

Honorable Frank P. Geraci Jr.  
U.S. District Court Judge  
U.S. Courthouse  
100 State Street  
Rochester, New York 14614

**RE: Silvon S. Simmons v. Joseph M. Ferrigno, II et al.  
Civil Action No: 17 -CV-6176**

Dear Judge Geraci:

Please allow this letter to serve as Plaintiff's response to Mr. Campolieto's letter dated January 4, 2024. We agree and consent to Mr. Campolieto's suggestion that jury selection begin on Tuesday April 9, 2024 due to the circumstances arising from the solar eclipse, congestion within the City and concerns about juror availability. At your earliest convenience, please advise of the Court's position regarding this request.

Respectfully,



Charles F. Burkwit, Esq.

cc: John M. Campolieto, Esq.  
Paul A. Sanders, Esq.